STATE OF MICHIGAN

COURT OF APPEALS

In re T. PAUL, Minor.

UNPUBLISHED
December 16, 2014

No. 321991
St. Clair Circuit Court
Family Division
LC No. 14-000075-NA

Before: DONOFRIO, P.J., and FORT HOOD and SHAPIRO, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (m). We affirm.

Respondent argues on appeal that the trial court erred in finding that statutory grounds existed for terminating her parental rights. "In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). We review a trial court's factual findings, including its determination that a statutory ground for termination of parental rights has been proven by clear and convincing evidence, for clear error. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Id.*

We conclude that the trial court did not clearly err in finding that §§ 19b(3)(g) and (j) each were established by clear and convincing evidence. MCL 712A.19b(3)(g) allows for termination of a parent's parental rights if it is established that "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." And MCL 712A.19b(3)(j) allows for termination of parental rights if "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent."

Respondent had three other children who were previously court wards. Respondent was offered numerous services to reunify her with those children, but she did not take advantage of those services and, when faced with petitions for termination, she opted to release her parental rights. The prior termination orders were entered in early 2013. Not long thereafter, respondent became pregnant with the child at issue in this appeal. Respondent failed to obtain proper prenatal care and used drugs during her pregnancy, thus exposing the baby to a risk of harm.

According to medical records, the child tested positive for "THC, cocaine, and [m-OH Benzoylecgonine]" at birth.

"[A] child has a legal right to begin life with a sound mind and body" and prenatal drug use is evidence of neglect. *In re Baby X*, 97 Mich App 111, 115-116; 293 NW2d 736 (1980). Respondent made no plans for the child when she became pregnant and admitted to a worker that nothing had changed since the prior termination orders were entered. It was not until respondent was actually faced with a termination petition that she voluntarily sought out services. However, she had only attended a handful of counseling sessions and one parenting class session, and her prior failure to complete any reunification services indicated that she was not likely to follow through with the current services to completion. Further, while substance abuse was one of the primary reasons for the child's removal, as well as the removal of two of her siblings, respondent denied that she had a substance abuse problem and did not seek out substance abuse treatment. Therefore, because the record establishes through clear and convincing evidence that respondent was not reasonably likely to be able to provide care and custody within a reasonable time considering the child's age, the trial did not clearly err in finding that termination was warranted under §19b(3)(g).[1] Furthermore, because respondent continued to deny that she had a substance abuse problem, the trial court did not clearly err in finding that the child was reasonably likely to be harmed if returned to respondent's home, thereby satisfying § 19b(3)(j).

Because only one statutory ground need be established, *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012), we need not address whether the other grounds cited by the trial court also support the termination decision. *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009).

Affirmed.

/s/ Pat M. Donofrio
/s/ Karen M. Fort Hood
/s/ Douglas B. Shapiro

[1] To the extent that the trial court also relied on respondent's failure to provide proper care to her previous children in finding that § 19b(3)(g) was met, the trial court erred. But we will not reverse where the trial court reaches the right result albeit for the wrong reason. *Coates v Bastian Bros, Inc*, 276 Mich App 498, 508-509; 741 NW2d 539 (2007).